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March 10, 2022

VIA ECF

The Hon. Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1030
Central Islip, NY 11722

Re: Rosario et al. v. Icon Burger Acquisition LLC d/b/a Smashburger
No. 2:21-cv-04313-JS-ST

Dear Judge Seybert:

We represent Icon Burger Acquisition LLC in this action ("Smashburger"). We write to respectfully request clarification concerning the upcoming March 17, 2022 Status Conference.

On December 20, 2021, Your Honor held a Pre-Motion Conference to address Defendant's then-anticipated motion to dismiss Plaintiff's First Amended Complaint. At the conclusion of the Pre-Motion Conference, Your Honor scheduled a Status Conference for March 17, 2022 at 10:00AM (Dkt. No. 22).

On January 21, 2022, Your Honor Ordered Plaintiff to file a second amended complaint within 30 days of said Order (Dkt. No. 24). Shortly thereafter, Defendant filed a letter motion requesting confirmation that all discovery obligations and the February 1 Settlement Conference is adjourned in wake of Your Honor's January 21 Order. On January 27, Judge Tiscione confirmed our request and Ordered that all discovery and the Settlement Conference is stayed without date. See January 27 Order.

On February 21, 2022, Plaintiff filed his Second Amended Complaint (Dkt. No. 26). Thereafter, Defendant requested an extension of time to respond to the Second Amended Complaint until March 21, which was later granted by Judge Tiscione. See March 8 Order.

For these reasons, Defendant requests clarification whether the Status Conference is still on for March 17, and respectfully suggests, for efficiency purposes, that such Conference be rescheduled to a date after the filing of Defendant's response to Plaintiffs' Second Amended Complaint.

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We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Matthew R. Capobianco

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